

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. Interview, Claim Amendments and Allowable Subject Matter

Claims 1-10 and 12-16 were pending in this application when last examined and stand rejected.

On page 3 of the Office Action, claims 3-10 and 14-16 were indicated as allowable if rewritten to overcome the indefiniteness rejection. Similarly, claim 13 was indicated as allowable if rewritten to overcome the indefiniteness rejection and to independent form.

Applicant appreciates the Examiner's indication of allowable subject matter. Applicant also thanks Examiner Ramirez for the telephone interview on April 8, 2009, during which the claims and the obviousness rejection were discussed.

Applicant has amended the claims to the allowable subject matter. In particular, independent claims 3 and 6 have been amended along the lines suggested by the Examiner to positively recite "at least one spacer". In addition, claim 13 has been amended to positively recite "at least one spacer" and to independent form. It is believed that the amended claims should be in condition for allowance.

Claims 1-2 and 12 have been cancelled without prejudice or disclaimer thereto. Applicant reserves the right to file a continuation or divisional on any cancelled subject matter.

Claims 3-10 and 13-16 are pending upon entry of this amendment.

No new matter has been added.

This amendment should be entered, even though the case is after final rejection, because Applicant has amended the claims to the allowable subject matter as suggested by the Examiner. Accordingly, this amendment should not raise any new issues and it should be entered. For the same reasons, if the next Office Action on the merits includes a new rejection of one or more claims, the Action must be non-final.

II. Indefiniteness Rejection

Claims 1-10 and 12-16 were rejected under 35 U.S.C. § 112, second paragraph, for the reasons on page 2 of the Office Action.

The present amendment overcomes this rejection by amending the claims along the lines suggested by the Examiner. Thus, the rejection is untenable and should be withdrawn.

III. Obviousness Rejection

Claims 1, 2, 10, and 12 were again rejected under 35 U.S.C. § 103(a) as being obvious over CASEY (US 1,576,307) for the reasons on page 3 of the Office Action.

For the sole purpose of expediting prosecution and not to acquiesce to the rejection, the present amendment overcomes this rejection by cancelling the rejected claims. Thus, the rejection is untenable and should be withdrawn.

IV. Conclusion

The application as amended should now be in condition for allowance and early notice to that effect is requested. If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned at the telephone number below. The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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